

# Notice of Allowability

Application No.

09/559,883

Examiner

LaShonda T. Jacobs

Applicant(s)

FREED ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 22, 2007.
2. ☒ The allowed claim(s) is/are 1-8 and 10-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Giunta Reg. No. 36,149 on March 2, 2005.

### **IN THE CLAIMS**

Please amend claims **1** and **22** as follows:

1. (Currently Amended) A method of managing message size for a connection between a data source and a data receiver on a network comprising the steps of:

obtaining a determined maximum segment size based on [[the]] maximum segment sizes of a plurality of packet transport networks between a data source and a data receiver;

negotiating a maximum segment size for a connection with a data receiver to reduce message fragmentation by altering an announcement, the steps comprising:

(i) receiving an announcement from said data receiver of a first connection between said data source and said data receiver, wherein said announcement denotes a maximum segment size;

(ii) when the determined maximum segment size is smaller than the said maximum segment size in said announcement message, generating an altered announcement message by changing said maximum segment size in said announcement of said first connection to the

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determined maximum segment size to reduce message fragmentation on packet transport between said data source and said data receiver; and,

sending subsequent messages from the data source to the data receiver using the determined maximum segment size.

22. (Currently Amended) A method of reducing message fragmentation between the data source and the data receiver connected by a network comprising the steps of:

intercepting a first announcement of a first connection between said data source and said data receiver;

predicting a predicted maximum segment size for said first connection, wherein said predicted maximum segment size is placed in a signal;

sending said signal with a no-fragment option set to said data source and said data receiver;

storing a determined maximum segment size, whereupon said determined maximum segment size results from a fragment free signal response; and

receiving subsequent announcements of connections and inserting said determined maximum segment size into said subsequent announcements of connections to reduce message fragmentation between said data source and said data receiver; ~~and~~.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: the closest prior of record (Lindsay U.S. Patent No. 6,564,267 and Matsuzono U.S. Patent No. 5,809,254) does not teach in detail generating an altered announcement message by changing said maximum segment

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size in said announcement of said first connection to the determined maximum segment size to reduce message fragmentation on packet transport networks between said data source and data receiver in combination with all the elements of the independent claims as argued by the Applicants (see Amendments filed March 22, 2007 page 11, line 22, page 12, lines 1-2, page 13, lines 22-23, page 14, lines 1-3 and page 16, lines 19-21). So as indicated by the above statement, Applicant's arguments have been considered persuasive.

3. The dependent claims further limit the independent claims and are considered allowable on the same basis as independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Claims 1-8 and 10-29 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

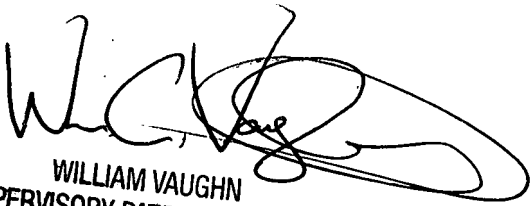
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ltj  
May 11, 2007



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